

Questions & Answer's Regarding the Internal Hiring Freeze

- Q:** Our institution would like to give an employee a list appointment to a class in which they've already laterally transferred. The individual is currently appointed permanent in the classification. Since the person is already permanent in the class, do we need to submit an Internal Hiring Freeze Exemption Request (IHFER)?
- A:** Because the employee is not changing positions, tenure, and/or time base, an IHFER does not need to be submitted.
- Q:** Is it correct that programs can now hire lateral transfers (no \$ increase to the employee) on a limited-term basis only without an IHFER? Is this still true if the classification was identified on the listing of classifications subject to the internal hiring freeze dated 10/21/03? If the program wants to hire on a permanent basis, must an IHFER be submitted for approval?
- A:** Yes. The listing of classifications subject to the internal hiring freeze dated 10/21/03 is no longer valid. As of 12/18/03, all classifications (except those identified on the attachment to the memorandum) are subject to the internal hiring freeze. However, same class to same class movements within the same institution, parole region, or division can be done on a permanent basis without an IHFER. To appoint an employee on a permanent basis, programs must obtain an IHFER if the employee is coming from another institution, parole region, or division.
- Q:** Since the 12/18/03 memo, do we have to include a proposed appointee's name on the IHFER?
- A:** Only if you already have a candidate in mind. If no proposed candidate is indicated, the justification area must state why the position has to be filled on a permanent basis.
- Q:** If we transfer a full-time Correctional Lieutenant (Lt.) at one camp to another vacant camp Lt. position is that individual to be appointed limited-term?
- A:** If both camp positions belong to the same institution, an IHFER is not required to hire the employee on a permanent basis. If the camp position belongs to another institution, an IHFER is required.
- Q:** When filling a vacancy in Bargaining Unit 12 or 13 from Post and Bid, are we still restricted to only offering the position on a limited-term basis? We have a vacant Painter II position and have two interested outside Post and Bid candidates.
- A:** Same class to same class movements within the same institution, parole region, or division can be done on a permanent basis without an IHFER. If the Painter II is changing institutions, the appointment must be made on a limited-term basis.
- Q:** Under the current freezes, can a Correctional Officer (CO) laterally transfer to a Correctional Counselor I (CCI)? The CO is at maximum step of the salary range. Upon transfer to the CCI position the employee will take a cut in pay. Is this permissible as there isn't an increase in pay but ultimately there would be more money down the road because the CCI is a deep class?
- A:** An external freeze exemption is required; however, submission of a DF-160 is not necessary. The Financial Services Division (FSD) was successful in obtaining blanket exemption from the Department of Finance (DOF) for the CCI classification. An IHFER is not required if appointing the employee on a limited-term basis.
- Q:** Are Training & Development (T&D) assignments allowed under the freezes?
- A:** Yes, T&Ds are allowed under the both the external and internal freezes. If additional funding has to be identified on the reclass of the position or the employee is from another State agency, an external freeze exemption is required. Because T&Ds are considered temporary appointments and have an expiration date, an IHFER is not required.
- Q:** Could a permanent Office Assistant (OA) (Typing) in a records position move to a medical position at the same facility? No new hire or class change, just a position number and work location change.
- A:** Same class to same class movements within the same institution, parole region, or division can be done on a permanent basis without an IHFER. The movement of staff should be based on the operational needs of the institution.

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- Q:** Can we hire an employee from another State agency who is designated State Restriction of Appointment (SROA)/Surplus as long as it is limited-term? For example, an SROA Business Services Officer I from Veterans Affairs to our vacant Staff Services Analyst/Associate Governmental Program Analyst position?
- A:** Only if you have an external freeze exemption. Per Executive Order S-3-03, employees from other State agencies cannot be hired without external freeze exemption approval. An IHFER would be required to appoint the employee on a permanent basis.
- Q:** Can we now hire Correctional Lt's and Correctional Sergeants (Sgt.)?
- A:** Yes. An external freeze exemption is required; however, submission of a DF-160 is not necessary. The FSD was successful in obtaining blanket exemption from the DOF for the Lt. and Sgt. classifications. Hires may be made only on a limited-term basis without an IHFER.
- Q:** If you are attempting to reclass a lower classification to a higher classification to accommodate a T&D (i.e. Labor Relations Analyst to Lt.) what type of exemption would be required? Is this allowed due to the fact that additional funds would be required?
- A:** An external freeze exemption would be required since there is an increase to the General Fund. The FSD was successful in obtaining blanket exemption from the DOF for the Lt. classification. An IHFER is not required because the T&D is considered a temporary appointment and has an expiration date.
- Q:** Is an external and/or internal freeze exemption required to transition an employee who laterally transferred into a position on a limited-term basis to permanent?
- A:** Because the employee does not gain status in the limited-term classification, the appointment cannot be used to determine future transfers. An employee's appointment eligibility is based upon the highest list appointment. Whether an external freeze exemption is required would have to be determined on a case-by-case basis. An IHFER is required.
- Q:** Is an external and/or internal freeze exemption required to give an employee a permanent cert appointment to the same classification for which they previously received a limited-term cert appointment?
- A:** All appointments made from a certification list require an approved external freeze exemption. Because of the permanent tenure, an IHFER is also required.
- Q:** Is an external and/or internal freeze exemption required to transition an employee from a T&D assignment?
- A:** If the effective date of the T&D assignment was prior to November 20, 2003, an external freeze exemption is not required due to a prior commitment being made. If the effective date of the T&D assignment was on or after November 20, 2003, or after and the employee is to receive an increase in salary at the time of appointment or in the future due to range changes, an external freeze exemption is required. An IHFER is required.
- Q:** Is an external and/or internal freeze exemption required for an intermittent employee to transfer from one institution to another in the same classification?
- A:** Since this is an intradepartmental lateral transfer with no increase in salary to the employee, an external freeze exemption is not required. An IHFER is not required as long as the employee is appointed into a blanket (unfunded) position. If the employee is in an established position, an IHFER is required.

Q: We submitted an IHFER and received approval to fill the position on a permanent basis prior to December 18, 2003. Is the IHFER still valid?

A: The IHFER to fill the position on a permanent basis is still valid only if a job offer was made and accepted prior to December 18, 2003. If the job offer was made after December 18, 2003, the IHFER is no longer valid and the appointment can be made on a limited-term basis only.

Q: We have an Office Services Supervisor I who would like to transfer to an Office Technician (T). Although the employee would be eligible for an increase in salary upon movement they would like to waive the increase. Because they are choosing to waive the salary increase upon movement, is the transfer allowed? Is an external freeze exemption required?

A: No, the transfer is not allowed without an external freeze exemption. Although the employee is waiving the initial increase, they would be eligible for a higher salary rate in the future due to a merit salary increase. The maximum salary rates of the classifications are used to determine whether the employee is eligible for a salary increase. If the maximum salary rate of the classification the employee is transferring to is \$1 or more higher than the maximum salary rate of the employees from classification, an external freeze exemption is required.

Q: Is an external and/or internal freeze exemption required to roll a permanent intermittent CO to full-time?

A: An external freeze exemption is required; however, submission of a DF-160 is not necessary. The FSD was successful in obtaining blanket exemption from the DOF for the CO classification. The roll-over of a permanent intermittent CO to full-time is exempt from the internal hiring freeze.